

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

	X
	:
SECURITIES AND EXCHANGE COMMISSION,	:
	:
Plaintiff,	:
	:
v.	:
	CERTIFICATE OF SERVICE
MARC J. GABELLI and BRUCE ALPERT,	:
	Civil Action
Defendants.	:
	No. 08-Civ-3868

X

I, Richard V. Conza, an attorney admitted to practice in the State of New York and the Managing Attorney of the firm of Cleary Gottlieb Steen & Hamilton LLP, hereby certify that:

1. On the 25th day of July 2008, the Notice of Motion to Dismiss the Complaint for Failure to State a Claim and Failure to Plead Fraud with Particularity and Because the Relief Sought is Barred by Statute or by Statute of Limitations, dated July 25, 2008 and including the Declaration of Kimberly Spiering with Exhibits A through G; and the Memorandum of Law in Support of Marc Gabelli's Motion to Dismiss, dated July 25, 2008 were served by Federal Express upon:

Edward McDonald
Dechert LLP
30 Rockefeller Plaza
New York, NY 10112-2200

Robert B. Blackburn
Securities and Exchange Commission
3 World Financial Center, Room 4300
New York, NY 10281

Kevin P. O'Rourke
Christopher R. Conte
Mark Kreitman

Ivonia K. Slade
Jill S. Henderson
Securities and Exchange Commission
100 F. Street, N.E.
Washington, DC 20549-4010

2. This service was made by an assistant managing clerk of this firm under my general supervision.

Dated: New York, New York
July 28, 2008

s/Richard V. Conza

Richard V. Conza